

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	MDL No. 2804
)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
<i>Track One Cases</i>)	Judge Dan A. Polster
)	

**DECLARATION IN SUPPORT OF DEFENDANT HBC SERVICE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Joshua A. Kobrin, hereby declare as follows:

1. I am a partner at the office of Marcus & Shapira, LLP, counsel for Giant Eagle, Inc. (“Giant Eagle”) in the above-captioned cases.
2. I submit this Declaration on behalf of Giant Eagle, of which Defendant HBC Service Company is a division (“HBC”), in support of HBC’s Motion for Summary Judgment and for the purpose of transmitting to the Court true and correct copies of the documents attached hereto.
3. Attached as Exhibit 1 is a true and correct copy of excerpts from the transcript of the deposition of Walter Wayne Durr, which was held on January 22, 2019 in the above-captioned case.
4. Attached as Exhibit 2 is a true and correct copy of excerpts from the Expert Report of Matthew Greimel, which was submitted on behalf of Giant Eagle in the above-captioned case.
5. Attached as Exhibit 3 is a true and correct copy of excerpts from the transcript of the DEA 30(b)(6) deposition of Thomas Prevoznik, which was held on April 17, 2019, April 18, 2019, and May 17, 2019 in the above-captioned case.

6. Attached as Exhibit 4 is a true and correct copy of excerpts from the transcript of the deposition of Demetra Ashley, DEA witness, which was held on March 15, 2019 in the above-captioned case.

7. Attached as Exhibit 5 is a true and correct copy of excerpts from the transcript of the deposition of Gregory Carlson, which was held on January 8, 2019 in the above-captioned case.

8. Attached as Exhibit 6 is a true and correct copy of a Giant Eagle document titled “HBC PHARMACY OPERATIONS AND PROCEDURES,” which was produced by Giant Eagle in the above-captioned case with the Bates number HBC_MDL00189099-107.

9. Attached as Exhibit 7 is a true and correct copy of excerpts from the transcript of the deposition of Matthew Rogos, which was held on February 22, 2019 in the above-captioned case.

10. Attached as Exhibit 8 is a true and correct copy of excerpts from the transcript of the deposition of James Tsipakis as Giant Eagle’s 30(b)(6) designee, which was held on December 13, 2018 in the above-captioned case.

11. Attached as Exhibit 9 is a true and correct copy of excerpts from the transcript of the deposition of Joseph Edward Millward, which was held on December 20, 2019 in the above-captioned case.

12. Attached as Exhibit 10 is a true and correct copy of excerpts from the transcript of the deposition of Fred Bencivengo, which was held on January 22, 2019 in the above-captioned case.

13. Attached as Exhibit 11 is a true and correct copy of excerpts from the transcript of the deposition of Sandra Kinsey, which was held on June 7, 2019 in the above-captioned case.

14. Attached as Exhibit 12 is a true and correct copy of excerpts from the Expert Report of Sandra Kinsey, which was submitted on behalf of Giant Eagle in the above-captioned case.

15. Attached as Exhibit 13 is a true and correct copy of document titled “Controlled Substance Dispensing Guideline” that attaches “Giant Eagle’s Promise of Support,” which was produced by Giant Eagle in the above-captioned case with the Bates number HBC_MDL00078450-453.

16. Attached as Exhibit 14 is a true and correct copy of excerpts from the transcript of the deposition of Anthony Mollica, which was held on January 4, 2019 in the above-captioned case.

17. Attached as Exhibit 15 is a true and correct copy of the United States Department of Justice, Drug Enforcement Administration, Office of Division Control document titled “Pharmacist’s Manual, An Informational Outline of the Controlled Substances Act,” which was produced by Giant Eagle in the above-captioned case with the Bates number HBC_MDL00126695-779.

18. Attached as Exhibit 16 is a true and correct copy of excerpts from the transcript of the deposition of George Chunderlik, which was held on January 16, 2019 in the above-captioned case.

19. Attached as Exhibit 17 is a true and correct copy of excerpts from the transcript of the deposition of Randy Heiser, which was held on February 19, 2019 in the above-captioned case.

20. Attached as Exhibit 18 is a true and correct copy of excerpts from the transcript of the deposition of Robert A. McClune, which was held on January 25, 2019 in the above-captioned case.

21. Attached as Exhibit 19 is a true and correct copy of excerpts from the transcript of the DEA 30(b)(6) deposition of Kyle J. Wright, which was held on February 28, 2019 and March 4, 2019 in the above-captioned case.

22. Attached as Exhibit 20 is a true and correct copy of excerpts from the transcript of the DEA 30(b)(6) deposition of Joseph Rannazzisi, which was held on April 26, 2019 and May 15, 2019 in the above-captioned case.

23. Attached as Exhibit 21 is a true and correct copy of excerpts from the transcript of the deposition of Eugene Tommasi, which was held on December 18, 2018 in the above-captioned case.

24. Attached as Exhibit 22 is a true and correct copy of excerpts from the Amended and Supplemented Expert Report of Craig J. McCann submitted by Plaintiffs in the above-captioned case.

25. Attached as Exhibit 23 is a true and correct copy of Exhibit 8 to the deposition of DEA 30(b)(6) witness Stacy Harper-Avilla, which was held on April 11, 2019 in the above-captioned case, which is titled: "Aggregate Production Quota History for Selected Substances."

26. Attached as Exhibit 24 is a true and correct copy of excerpts from the transcript of the deposition of DEA 30(b)(6) witness Stacy Harper-Avilla, which was held on April 11, 2019 in the above-captioned case.

27. Attached as Exhibit 25 is a true and correct copy of excerpts from the transcript of the deposition of Craig J. McCann, Ph.D., CFA, which was held on May 9, 2019 in the above-captioned case.

28. Attached as Exhibit 26 is a true and correct copy of excerpts of the expert report of Dr. Seth B. Whitelaw submitted in the above-captioned case.

29. Attached as Exhibit 27 is a true and correct copy of the declaration of Robert A. McClune, dated June 28, 2018, and submitted on behalf of Giant Eagle in the above-captioned case.

30. Attached as Exhibit 28 is a true and correct copy of excerpts of the expert report of James E. Rafalski submitted in the above-captioned case.

I have read the above affidavit consisting of thirty (30) paragraphs and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

June 28, 2019
Date

s/Joshua A. Kobrin
Joshua A. Kobrin